

Statement of P. Lynn Scarlett
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Before
House Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs
Concerning
Administration's Regulatory Response to Wildland Fires in the West
May 5, 2004

Mr. Chairman and members of the Committee:

Thank you for the opportunity to meet with you today.

We thank you and your committee for helping us to reduce the risk wildland fire poses to people, communities, and natural resources.

You specifically asked that I address the Administration's regulatory response to wildland fires and how increased cooperation with state and local partners is helping to lessen that threat. Let me address each of your concerns in turn.

President Bush announced his Healthy Forests Initiative in August 2002. Its chief purpose was to speed up implementation of the National Fire Plan's 10 Year Comprehensive Strategy and Implementation Plan by cutting through needless red tape and allow hazardous fuels to be removed more quickly and efficiently from forests and rangelands.

The President's direction resulted in specific actions.

First, the Chairman of the Council of Environmental Quality issued streamlined environmental assessment guidelines for fuels treatment projects. He directed that environmental assessments return to being the brief, concise documents envisioned by Congress when it passed the National Environmental Policy Act in 1970 but which had become bloated over time. New hazardous fuels environmental assessments are less than twenty pages in length; this makes them two to five times shorter than those of only a year ago.

At Interior we have held training sessions on the new guidelines, completed nine projects piloting the guidance, posted results on the internet, and held a lessons-learned conference. None of the streamlined environmental assessments were appealed or challenged in the courts and all of the projects are in various stages of completion. All new environmental assessments for fuels treatments—including those done under the Healthy Forests Restoration Act passed by Congress last December—will follow the new template, saving time and money for investment in actual fuels removal.

Second, in June 2003, the Departments of Agriculture and Interior jointly adopted a new categorical exclusion for certain fuels treatment activities and post-fire restoration. Even though the new categorical exclusion became available after the 2004 fuels program was finalized, the bureaus recognized its value and quickly found ways to use it.

For example, managers at Big Cypress National Preserve employed it to begin treatment of 1,000 acres of dense brush along highway 41 near park headquarters, to rave reviews from local residents. The original prairie had been converted to agricultural land then reverted to brush when farming stopped. The use of the categorical exclusion has permitted the park to reduce more quickly the risk of fire at a lower cost, and will allow managers to begin to reestablish a prairie plant community more in keeping with park natural resource management objectives.

The categorical exclusion will be used extensively in the 2005 fuels reduction program.

Third, we have improved procedures for meeting the goals of the Endangered Species Act. In January 2004, the Departments of the Interior, Agriculture, and Commerce finalized regulations making the consultation process under Section 7 of ESA more effective for fuels treatment projects. It allows the U.S. Fish and Wildlife Service (Service) or National Oceanic and Atmospheric Administration Fisheries (NOAA Fisheries) to enter into Alternative Consultation Agreements with fuels-treating agencies so that agency scientists—after training and with monitoring and oversight—can determine which fuels treatments are “not likely to adversely affect” any listed species or designated critical habitat. Not only does this save agencies time, it also enables the Service and NOAA Fisheries to focus their limited resources on consultations involving activities that are more likely to have some adverse effects on endangered species.

The agencies have begun implementation. Alternative Conservation Agreements are now in place with the Forest Service and the Bureau of Land Management. The Fish and Wildlife Service and NOAA completed the first training sessions with personnel from these agencies in March 2004. They have scheduled a web-based training system to go live this week.

Fourth, the Director of the Fish and Wildlife Service and the Assistant Administrator of the National Oceanic and Atmospheric Administration issued guidance in December 2002 directing staff to look at the long-term net benefit of fuels treatments to plants and animals rather than just short term impacts of a given fuels treatment when staff evaluates proposals. This broader view is inculcated into the process.

In addition to these tools, Congress has made it easier for us to get fuels off the land.

The President sought, and in 2003 the Congress provided, long-term stewardship contracting authority for the Bureau of Land Management and expanded the limited authority it had previously granted to the Forest Service. Stewardship contracts or agreements allow communities, tribes, private companies and others to retain forest and rangeland products in exchange for performing services for the BLM, such as fuel reduction treatments, riparian improvements, thinning trees and removing dead wood.

The BLM issued field guidance in January 2004 and is on track to award over 30 contracts in eleven states this year and with another 80 projects in various stages of

planning for 2005. Twenty-two of the 2004 projects include hazardous fuels removal from at least part of overall project acreage which exceeds 20,000 acres.

One such project is the Walker/Mono Basin project near Bishop, California that will remove fuels from 2,000 acres within the wildland urban interface. The contractor will thin overstocked Pinyon-juniper stands near the community of Walker and “contour fell” fire-killed trees, a practice which reduces soil erosion and increases slope stability. As a side benefit, the BLM will offset a portion of the rehabilitation costs with the value of firewood generated from thinning.

As BLM staff and the communities get more familiar with this new tool, the Bureau will continue to increase the number of acres under stewardship contracts as larger projects are added to the annual schedule of work.

Congress passed the Healthy Forests Restoration Act (HFRA), which President Bush signed in December 2003. Title I targets lands managed by the Bureau of Land Management and the Forest Service. The Departments of Agriculture and the Interior have responded swiftly to implement the legislation. In February 2004, the Bureau of Land Management and the Forest Service issued a joint Interim Field Guide on the implementation of HFRA. Each bureau has conducted training sessions, including a nationwide teleconference. BLM’s March 11th interactive satellite conference featured my colleague, Assistant Secretary Rebecca Watson, BLM Deputy Director Fran Cherry,

and other senior bureau officials. It was required viewing for all field office managers. BLM will make full use of the tools HFRA offers.

Let me now turn to the second of the two concerns identified in the invitation letter—community involvement.

Mr. Chairman, from the beginning of the National Fire Plan in 2000, partnerships have been at the center of our efforts to lessen the threat of wildland fire. It is no surprise, therefore, that we find references to the need for collaboration between local, tribal, state, and federal actors highlighted in all the major statutes and administrative policies aimed at lowering the risk of wildland fire. From the National Fire Plan, to the Conference Report for the 2001 Interior Appropriations Act, to the 10-Year Comprehensive Strategy, to the Healthy Forests Initiative, to the Healthy Forests Restoration Act, the call for working with others rings loud and we are acting accordingly.

The principle entity overseeing implementation of the National Fire Plan is the Wildland Fire Leadership Council on which sit representatives of state, local, and tribal governments in addition to Federal agencies. I have chaired this council over the past year.

How we work with our partners varies across the country because the states, through their state foresters, have the lead in coordinating local input and they are quite active. Their approaches vary but we are actively working with them.

Let's look at some of the working relationships.

In California the collaborative effort falls to the California Fire Alliance, a cooperative group consisting of Federal land managing agencies, the California Department of Forestry and Fire Protection, the Governor's Office of Emergency Services, the Los Angeles County Fire Department, and the California Fire Safe Council. The California Fire Safe Council represents over 100 local fire safe councils.

In Florida, local collaboration occurs through Prescribed Fire Councils, local cooperative associations, and local divisions of the Florida Division of Forestry. The Division of Forestry has the lead—with public input—for prioritizing wildland urban interface areas.

In Idaho, a 14-agency National Fire Plan Working Group oversees activities. Within the state all 44 counties are engaged in wildland fire assessment and mitigation planning (with the help of BLM assistance agreements).

In Montana all the federal land managing agencies, along with the State Forester, State Disaster and Emergency Services, Montana Association of County Officials, and the Montana County Fire Wardens, have created the National Fire Plan Coordinating Group.

In Nevada, the state has contracted with the Nevada Fire Safe Council to complete a risk assessment for every threatened community. County officials, 19 local fire safe councils,

local fire departments, and all federal agencies are involved in fire and fuels planning in the state.

New Mexico has charted an Interagency Coordination Group to facilitate planning and implementation of the National Fire Plan.

Mr. Chairman, these are not the only examples of federal collaboration with our state, tribal, and local partners. The 10-Year Comprehensive Strategy gives the states the lead in prioritizing communities at risk from wildland fire. Last June, the National Association of State Foresters, proposed a methodology for all states to use in expanding collaboration and cooperation in order to better prioritize fuels treatment projects. The Wildland Fire Leadership Council reviewed and approved the methodology which begins with states categorizing communities by their level of risk from wildland fire.

Each year the level of collaboration and cooperation improves which better assures we are treating the right acres.

Mr. Chairman, I want to emphasize that reducing risks in the wildland urban interface is our highest priority. We dedicate over 60 percent of hazardous fuels reduction dollars to projects in and near WUI communities.

From the beginning of FY 2001 to the end of FY 2004, the Department of the Interior will have removed hazardous fuels from over four million acres nationwide, including 1.2

million acres in the wildland urban interface (WUI). We will treat 45 percent more acres in 2004 than we did in 2001, and our WUI total in 2004 will exceed that in 2001 by over 100 percent.

This year to date, we have removed hazardous fuels from over 660,000 acres across the country. Over 40 percent of these are in the WUI.

In California, the Department is pursuing an aggressive program to reduce hazardous fuels. Since the inception of the National Fire Plan we will have spent \$88 million on fuels treatments in the state, placing it second among all states in monies invested in fuels treatments during this period. Over two-thirds of these dollars (\$60 million) go into removing fuels from the wildland urban interface. Overall, these investments have allowed us to reduce fuels loads on some 190,000 acres in the state, of which 70,000 are in the wildland urban interface.

So far this year we have treated about 8,000 acres in California out of a projected 45,000 acres. We estimate expenditures of some \$21 million in California, an increase of over 50 percent compared to 2001.

Mr. Chairman, we understand the problems facing the nation and California.

While the fire season nationally is expected to be near normal in terms of the number of fire and acres, the outlook for Southern California and much of Arizona, New Mexico,

Oregon, Washington, Idaho, and Montana indicates portions of these states are at risk of an above average fire season due primarily to an overabundance of fuels, continuing drought, and an increase of drought-stressed and insect-damaged trees and brush.

In California this could follow on the heels of fires last fall when Southern California experienced the most devastating wildland/urban interface fire disaster in California's history. The statistics are staggering: 739,597 total acres were burned; 3,631 homes, 36 commercial properties, 1,169 outbuildings were destroyed; approximately 500 farms were torched, costing \$40 million in agricultural products alone; 246 people were injured and 24 lives were lost, including one firefighter. The vast majority of the damage to resources and improved property occurred on state or private lands.

Following the catastrophic California Wildfires of 2003, then-Governor Gray Davis, along with Governor-elect Arnold Schwarzenegger, established the Governor's Blue Ribbon Fire Commission. Larry Hamilton, Director of Fire and Aviation for the Bureau of Land Management, is a member of the Commission. The Commission conducted an extensive review of the firefighting response to the devastating fires.

The commission's recommendations for developing an interagency wildland vegetation management plan and establishing statewide fuel treatment objectives across ownership boundaries and jurisdictions are positive steps that can serve as a guide for many other states as well. Recommendations also focused on education for homeowners and fire-resistant building and subdivision designs, the need for improving collaboration and

consistency in wildland fire training, and communication across all agencies and departments. They note that accurate and timely information for both incident managers and the public is critical for effective operations and safety, and seamless access to firefighting resources – from aircraft to crews. These elements are critical to the safety of both firefighters and the public.

Overall, the Blue Ribbon Commission did a very thorough job. The findings and recommendations are timely, important, and will likely benefit all fire organizations in the future.

Mr. Chairman, with the help of Congress, state, tribal, and local officials as well as community groups and individual citizens we are making a difference but we all face a long and difficult road. The challenge is quite large, however, we have no choice but to address it if we are to be good stewards. With strong support from all our partners we will leave our forests, woodlands, and rangelands in better health than we found them.

Thank you.